

## DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name. I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**PHOTOCHEMOTHERAPEUTIC METHOD USING 5-AMINOLEVULINIC ACID AND OTHER PRECURSORS OF ENDOGENOUS PORPHYRINS**

the specification of which (check one)

- ☐ is attached hereto
- ☒ was filed on June 5, 1995 as Application Serial No. 08/465,242 and was amended on (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is known by me to be material to patentability as defined in Title 37, Code of Federal Regulations § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

**PRIOR FOREIGN APPLICATION(S)**

NUMBER	COUNTRY	DAY/MONTH/YEAR FILED	PRIORITY CLAIMED


I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is known by me to be material to patentability as defined in Title 37, Code of Federal Regulations § 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

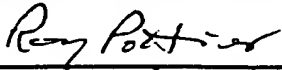
APPLICATION SERIAL NO.	FILING DATE	STATUS: PATENTED, PENDING, ABANDONED
<u>08/082,113</u>	<u>June 28, 1993</u>	<u>Patented</u>
<u>07/865,151</u>	<u>April 8, 1992</u>	<u>Patented</u>
<u>07/783,750</u>	<u>October 28, 1991</u>	<u>Patented</u>
<u>07/386,414</u>	<u>July 28, 1989</u>	<u>Patented</u>
<u>08/092,925</u>	<u>July 19, 1993</u>	<u>Pending</u>
<u>07/865,156</u>	<u>April 8, 1992</u>	<u>Pending</u>

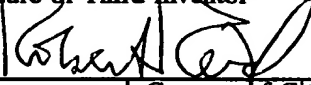
I hereby appoint as my attorneys, with full powers of substitution and revocation, to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: Stephen A. Bent, Reg. No. 29,768; David A. Blumenthal, Reg. No. 26,257; John J. Feldhaus, Reg. No. 28,822; Donald D. Jeffery, Reg. No. 19,980; Eugene M. Lee, Reg. No. 32,039; Peter G. Mack, Reg. No. 26,001; Brian J. McNamara, Reg. No. 32,789; Sybil Meloy, Reg. No. 22,749; George E. Quillin, Reg. No. 32,792; Colin G. Sandercock, Reg. No. 31,298; Bernhard D. Saxe, Reg. No. 28,665; Richard L. Schwaab, Reg. No. 25,479; Arthur Schwartz, Reg. No. 22,115; Harold C. Wegner, Reg. No. 25,258.

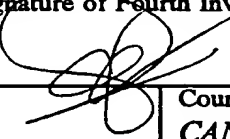
Send all correspondence to FOLEY & LARDNER, 3000 K Street, N.W., Suite 500, Washington, DC 20007-5109. Address telephone communications to Sybil Meloy at (202) 672-5300.

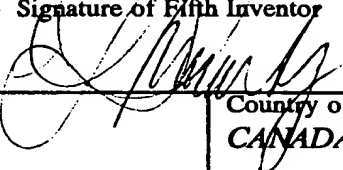
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of First or Sole Inventor <b>James C. KENNEDY</b>	Signature of First or Sole Inventor 	Date <b>Oct 13, 1995</b>
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Full Name of Second Inventor <b>Roy H. POTTIER</b>	Signature of Second Inventor 	Date <b>12 Oct. 95</b>
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Full Name of Third Inventor <b>Robert L. REID</b>	Signature of Third Inventor 	Date <b>Oct 12/95</b>
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Post Office Address <b>5 Concord, Kingston, Ontario, K7L 4V1, CANADA</b>		

Full Name of Fourth Inventor <b>Arnold SAC-MORALES</b>	Signature of Fourth Inventor 	Date <b>Oct 13/95</b>
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Full Name of Fifth Inventor <b>Lewis L. TOMALTY</b>	Signature of Fifth Inventor 	Date <b>Oct 16/95</b>
Residence Address <b>Inverary, Ontario, CANADA</b>	Country of Citizenship <b>CANADA</b>	
Post Office Address <b>R.R. #1, Lyons Landing, Inverary, Ontario, K0H 1X0, CANADA</b>		

Applicant or Patentee: James C. KENNEDY et al  
Serial or Patent No.: 08/465,242 Atty. Dkt. No. 67286/136/DEUS  
Filed or Issued: June 5, 1995  
For: PHOTOCHEMOTHERAPEUTIC METHOD USING 5-AMINOLEVULINIC ACID AND OTHER  
PRECURSORS OF ENDOGENOUS PORPHYRINS

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) AND 1.27 (c)) — NONPROFIT ORGANIZATION**

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGANIZATION: Queen's University at Kingston  
ADDRESS OF ORGANIZATION: Kingston, Ontario K7L 3N6, CANADA  
TYPE OF ORGANIZATION:  
☒ UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION  
☐ TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 USC 501(a) AND 501(c)(3))  
☐ NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA  
(NAME OF STATE )  
(CITATION OF STATUTE )  
☐ WOULD QUALIFY AS TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 USC 501(a) and 501(c)(3)) IF LOCATED IN THE UNITED STATES OF AMERICA  
☐ WOULD QUALIFY AS NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA IF LOCATED IN THE UNITED STATES OF AMERICA  
(NAME OF STATE )  
(CITATION OF STATUTE )

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees under section 41(a) or (b) of Title 35, United States Code with regard to the invention entitled PHOTOCHEMOTHERAPEUTIC METHOD USING 5-AMINOLEVULINIC ACID AND OTHER PRECURSORS OF ENDOGENOUS PORPHYRINS by inventor(s) James C. KENNEDY et al. described in

☐ the specification filed herewith  
☒ application serial no. 08/465,242, filed June 5, 1995  
☐ patent no. \_\_\_\_\_, issued \_\_\_\_\_

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above-identified invention.

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e). \*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT CORPORATION

NAME: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT CORPORATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate: (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code; and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Dr. Suzanne Fortier  
TITLE OF PERSON OTHER THAN OWNER: Vice-Principal, Research  
ADDRESS OF PERSON SIGNING: Queen's University, Kingston, Ontario K7L 3N6, CANADA  
SIGNATURE: Suzanne Fortier DATE: October 6, 95